

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER FOSTER,

Plaintiff,

v.

**STATE OF OKLAHOMA, *ex rel.*,
COMMISSIONERS OF THE
LAND OFFICE,**

Defendant.


Case No. CIV-24-140-G

ORDER

Now before the Court is Defendant State of Oklahoma, *ex rel.*, Commissioners of the Land Office's Partial Motion to Dismiss (Doc. No. 7). Plaintiff filed her original Petition (Doc. No. 1-2) in the District Court of Oklahoma County on December 18, 2023. Following removal to this Court and the filing of Defendant's Partial Motion to Dismiss, Plaintiff filed an Amended Complaint (Doc. No. 9) as a matter of course under Federal Rule of Civil Procedure 15(a)(1)(B) on March 4, 2024.

Plaintiff's Amended Complaint supersedes the original Petition and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991). Accordingly, because the Partial Motion to Dismiss seeks to dismiss certain claims in the original Petition, the Partial Motion to Dismiss (Doc. No. 7) is DENIED AS MOOT.

IT IS SO ORDERED this 15th day of March, 2024.



CHARLES B. GOODWIN
United States District Judge